



# CITY OF MERCED

City Council Chamber  
Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Minutes Planning Commission

---

Wednesday, July 3, 2024

6:00 PM

---

### A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 6:01 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner GONZALEZ led the Pledge of Allegiance to the Flag.

### B. ROLL CALL

**Clerk's Note:** Vice Chair CAMPER was absent, excused.

**Present:** 6 - Chairperson Michael Harris, Member Jose Delgadillo, Member Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, and Member Emanuelle Ochoa

**Absent:** 1 - Vice Chair Mary Camper

### C. ORAL COMMUNICATIONS

There were no public comments.

### D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of June 5, 2024

**ACTION:**

Approving and filing the Planning Commission Minutes of June 5, 2024

**A motion was made by Member Ochoa, seconded by Member Gonzalez and carried by the following vote, to approve the Consent Agenda.**

**Aye:** 6 - Chairperson Harris  
Member Delgadillo  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa

**No:** 0

**Absent:** 1 - Vice Chair Camper

**E. PUBLIC HEARINGS AND ACTION ITEMS**

**E.1**                    SUBJECT: Conditional Use Permit #1277, initiated by AT&T Mobility, on behalf of The Church of the Nazarene of Merced, California, property owner. This application involves a request to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue, generally located at the northeast corner of E. Olive Avenue and Parsons Avenue, with a General Plan designation of Low Density Residential (LD), and a Zoning classification of (R-1-6) \*PUBLIC HEARING\*

**ACTION:**            Approve/Disapprove/Modify  
    1) Environmental Review #24-10 (*Categorical Exemption*)  
    2) Conditional Use Permit #1277

**SUMMARY**

AT&T Mobility is requesting approval to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue (Attachment D) within a Low Density Residential (R-1-6) Zone. The project is located at the northeast corner of E. Olive Avenue and Parsons Avenue within a developed lot occupied by the Bear Creek Community Church of the Nazarene. Per Merced Municipal Code Land Use Table 20.58-2 - Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review is required for stealth facilities within an R-1 Zone that are over 140% of the maximum height allowed within this zone. However, as described in the background section of this report, because the Site Plan Review Committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #24-10 (*Categorical Exemption*), and Conditional Use Permit #1277, including the adoption of the Draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Development Services Technician II LEE reviewed the report on this item. For further information, refer to Staff Report #24-552.

Public Testimony was opened at 6:20 PM.

Staff received 4 emails from EPIC WIRELESS, JASON VERRINDER, SHERRI JURGENS, VINCE REMILLARD and 2 voicemails from JASON VERRINDER and SHERRI JURGENS. Those emails and voicemails were provided to the Planning Commission via email prior to the meeting and posted to the City's website.

Speakers from the Audience in Opposition

TAMMY DAVIDSON, Resident, Merced, CA

SHERYL WIGHT, Resident, Merced, CA

BRYAN RODRIGUEZ, Resident, Merced, CA

MICHAEL O'BRIEN, Resident, Merced, CA

SHERRI JURGENS, Resident, Merced, CA

GARY HODNETT, Resident, Merced, CA

ILIAS BENOMAR, Resident, Merced, CA

LAURIE O'BRIEN, Resident, Merced, CA

JASON VERRINDER, Resident, Merced, CA

LOLA O'BRIEN, Resident, Merced, CA

TERRI PEVSNER, Resident, Merced, CA

AMY VERRINDER, Resident, Merced, CA

JORGE LUPERCIO, Resident, Merced, CA

MARIA RODRIGUEZ, Resident, Merced, CA

There were no speakers in favor of the project.

Public Testimony was continued to the Planning Commission meeting of August 7, 2024.

**A motion was made by Member Gonzalez, seconded by Member Ochoa and**

carried by the following vote, to continue the public hearing to the Planning Commission Meeting of August 7, 2024.

**Aye:** 6 - Chairperson Harris  
 Member Delgadillo  
 Member Gonzalez  
 Member Pao Thao  
 Member Smith  
 Member Ochoa

**No:** 0

**Absent:** 1 - Vice Chair Camper

**E.2**

**SUBJECT:** Conditional Use Permit #1278, initiated by Jammu & Kashmir, Inc., on behalf of Ethan Conrad, property owner. This application involves a request for alcohol sales for off-site consumption for a new convenience market at 663 Fairfield Drive, generally located 475 feet north of Fairfield Drive, approximately 450 feet east of M Street, with a General Plan designation of Regional/Community Commercial (RC), within a Zoning classification of Planned Development (P-D) #1. \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify  
 1) Environmental Review #24-16 (*Categorical Exemption*)  
 2) Conditional Use Permit #1278

**SUMMARY**

Jammu & Kashmir Inc., is requesting approval to sell beer, wine, and distilled spirits for off-site consumption (Type 21 Alcoholic Beverage Control License) for a new convenience market located at 663 Fairfield Drive. A conditional use permit is required to approve the sale of alcohol for off-site consumption for buildings under 20,000 square feet per Merced Municipal Code Section 20.44.010 - Alcoholic Beverage Sales for Off-Premises Consumption. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #24-16 (*Categorical Exemption*), and Conditional Use Permit #1278, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Senior Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #24-614.

Public Testimony was opened at 7:10 PM.

Speaker from the Audience in Favor

AVTAR SINGH, Applicant, Merced, CA

Speaker from the Audience in Opposition

ERIK EKIZIAN, Resident, Merced, CA

Public Testimony was closed at 7:15 PM.

**A motion was made by Member Ochoa, seconded by Member Delgadillo and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #24-16, and approve Conditional Use Permit #1278, subject to the Findings and twenty-three (23) Conditions set forth in Staff Report #24-614 (RESOLUTION #4138).**

**Aye:** 6 - Chairperson Harris  
 Member Delgadillo  
 Member Gonzalez  
 Member Pao Thao  
 Member Smith  
 Member Ochoa

**No:** 0

**Absent:** 1 - Vice Chair Camper

**E.3**

**SUBJECT:** Vesting Tentative Subdivision Map #1331, initiated by Anthony Sutter, Civil Engineer, on behalf of Miok Kim, property owner. This application involves a request to subdivide 3.35 acres of land into 14 R-1-6 standard residential single-family lots ranging in size from 6,979 square feet to 9,826 square feet. This property is generally located on Massasso Street, approximately 400 feet north of Highway 140 and approximately 875 feet south of Bear Creek and has General Plan designation of Low Density Residential (LD) and a Zoning designation of Low Density Residential (R-1-6). \*\*PUBLIC HEARING\*\*

**ACTION:** Approve/Disapprove/Modify  
 1) Environmental Review #24-11 (Categorical Exemption)  
 2) Vesting Tentative Subdivision Map #1331

**SUMMARY**

This item was scheduled to be considered by the Planning Commission on June 17, 2024. However, due to an error when publishing the public notice, the item was continued to the July 3, 2024, meeting.

The applicant is proposing a tentative map for 14 single-family residential lots, north of Highway 140, east of Massasso Street and Thurman Drive (extended) (Attachment B). The existing single-family dwelling on the adjacent 19,813-square-foot lot is not part of this proposal. The proposed subdivision would subdivide 3.35 acres of land into 14 R-1-6 standard residential single-family lots ranging in size from 6,979 square feet to 9,826 square feet. Planning staff, along with other City staff, have reviewed the project and recommend approval subject to conditions.

#### **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #24-11 (Categorical Exemption) and Vesting Tentative Subdivision Map #1331 (including the adoption of the Draft Resolution) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4136 at Attachment A.

Commissioner GONZALEZ recused himself and left the dais regarding this item due to the proximity to his residence.

Principal Planner LAN reviewed the report on this item. For further information, refer to Staff Report #24-497.

Public Testimony was opened at 7:30 PM.

Staff received 1 email from PEG FARMER and 3 voicemails from CAROL CHAPMAN, CHRIS MINOR, and PAULA DIURI. The email and voicemails were provided to the Planning Commission via email prior to the meeting and posted on the City's website.

#### Speaker from the Audience in Opposition

RONNY MARTINEZ, Resident, Merced, CA

There were no speakers in favor of the project.

Public Testimony was closed at 7:34 PM

**A motion was made by Member Ochoa, seconded by Member Thao and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #24-11, and approve Vesting Tentative Subdivision Map #1331, subject to the Findings and thirty-nine (39) Conditions set forth in Staff Report #24-497**

**(RESOLUTION #4136).**

**Aye:** 5 - Chairperson Harris  
Member Delgadillo  
Member Pao Thao  
Member Smith  
Member Ochoa

**No:** 0

**Absent:** 1 - Vice Chair Camper

**Recused:** 1 - Member Gonzalez

**E.4**

**SUBJECT:** Cancellation of July 17, 2024, Planning Commission Meeting due to a lack of items

**ACTION:**

Cancel the Planning Commission Meeting of July 17, 2024

At 7:40 PM, Commissioner GONZALEZ returned to the dais.

**A motion was made by Member Delgadillo, seconded by Member Ochoa and carried by the following vote, to cancel the Planning Commission meeting of July 17, 2024, due to a lack of items.**

**Aye:** 6 - Chairperson Harris  
Member Delgadillo  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa

**No:** 0

**Absent:** 1 - Vice Chair Camper

**F. INFORMATION ITEMS**

**F.1**

**SUBJECT:** Report by Temporary Director of Development Services of Upcoming Agenda Items

**ACTION**

Information only.

Temporary Director of Development Services ESPINOSA welcomed Associate Planner VALERIA RENTERIA and Assistant Planner MATT LIVINGSTON and went over items for the next several Planning Commission meetings.

**F.2**

**SUBJECT:** Calendar of Meetings/Events

- Jul. 1 City Council, 6:00 p.m.
- 3 Planning Commission, 6:00 p.m.
- 15 City Council, 6:00 p.m.
- 17 Planning Commission, 6:00 p.m. **(Thurs.) (To be Cancelled)**
- Aug. 5 City Council, 6:00 p.m.
- 7 Planning Commission, 6:00 p.m.
- 19 City Council, 6:00 p.m.
- 21 Planning Commission, 6:00 p.m.
- 27 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

**G. ADJOURNMENT**

**Clerk's Note:** The Regular Meeting adjourned at 7:44 PM in honor of WOLF ROSENBERG.

**A motion was made by Chairperson Harris, seconded by Member Gonzalez and carried by the following vote, to adjourn the Regular Meeting.**

- Aye:** 6 - Chairperson Harris  
 Member Delgadillo  
 Member Gonzalez  
 Member Pao Thao  
 Member Smith  
 Member Ochoa

**No:** 0

**Absent:** 1 - Vice Chair Camper



BY:



KIM ESPINOSA, SECRETARY  
MERCED CITY PLANNING COMMISSION

APPROVED:



MICHAEL HARRIS, CHAIRPERSON  
MERCED CITY PLANNING COMMISSION